

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOHN H. MONETTI,**

**Defendant.**

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**8:07CR85**

**ORDER**

On June 4, 2007, the defendant filed a "Motion to Suppress Items of Physical Evidence and Statements." The deadline for filing substantive pretrial motions expired on May 4, 2007. No motions were timely filed, and the case has been set for trial on June 25, 2007.

The defendant has been continuously represented by counsel since his initial appearance in this district. The defendant retained present counsel on his own volition and is advised that present counsel, who is familiar with the rules and practices of this court, knew when he filed the Motion that the deadline for filing substantive pretrial motions expired a month ago. The defendant did not timely request any extension of that deadline.

For these reasons,

**IT IS ORDERED** that defendant's Motion to Suppress [18] and the Brief in Support of the Motion to Suppress [19] are hereby stricken from the record as untimely filed.

Pursuant to NECrimR 57.2, a party may appeal this order by filing a "Statement of Appeal of Magistrate Judge's Order" within ten (10) business days after being served with the order. The party shall specifically state the order or portion thereof appealed from and the basis of the appeal. The appealing party shall file contemporaneously with the statement of appeal a brief setting forth the party's arguments that the magistrate judge's order is clearly erroneous or contrary to law. The filing of a statement of appeal does not automatically stay the magistrate judge's order pending appeal. See NECrimR 57.2(d).

**DATED June 6, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**